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GENEVA, USDEL JEC PARIS, SAIGON, USUN

E.O. 11652: GDS

TAGS: PFOR, UN, SZ, ICRC

SUBJECT: US RESPONSE TO PRG ACCESSION TO GENEVA CONVENTIONS

REF: STATE 277251

1. AMEMBASSY IS REQUESTED TO WITHDRAW NOTE THIS SUBJECT DELIVERED TO MFA DECEMBER 20 AND SUBSTITUTE NEW NOTE, FOR DELIVERY DECEMBER 31, CONTAINING FOLLOWING TEXT:

"REFERENCE IS MADE TO A TELEGRAM DATED JANUARY 18, 1974, AND A NOTE OF THE SAME DATE BY WHICH THE FEDERAL POLITICAL DEPARTMENT OF THE SWISS CONFEDERATION INFORMED THE DEPARTMENT OF STATE OF THE DEPOSIT BY THE 'PROVISIONAL REVOLUTIONARY GOVERNMENT OF THE REPUBLIC OF SOUTH VIET-NAM' OF ITS INSTRUMENTS OF ACCESSION TO THE FOUR GENEVA CONVENTIONS OF 1949 FOR THE PROTECTION OF WAR VICTIMS, SUBJECT TO CERTAIN STATED RESERVATIONS.

"THE GOVERNMENT OF THE UNITED STATES OF AMERICA RECOGNIZES THE GOVERNMENT OF THE REPUBLIC OF VIET-NAM AND DOES NOT RECOGNIZE THE 'PROVISIONAL REVOLUTIONARY GOVERNMENT OF THE REPUBLIC OF SOUTH VIET-NAM' AS A GOVERNMENT. THE UNITED STATES GOVERNMENT THEREFORE DOES NOT RECOGNIZE THAT THE 'PROVISIONAL REVOLUTIONARY GOVERNMENT OF THE REPUBLIC OF SOUTH VIET-NAM' IS QUALIFIED TO ACCEDE TO THE GENEVA

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CONVENTIONS. BEARING IN MIND, HOWEVER, THAT IT IS THE PURPOSE OF THE GENEVA CONVENTIONS THAT THEIR PROVISIONS SHOULD PROTECT WAR VICTIMS IN ARMED CONFLICT, THE GOVERNMENT OF THE UNITED STATES OF AMERICA NOTES THAT THE 'PROVISIONAL REVOLUTIONARY GOVERNMENT OF THE REPUBLIC OF SOUTH VIET-NAM' HAS INDICATED ITS INTENTION TO APPLY THEM SUBJECT TO CERTAIN RESERVATIONS. THE RESERVATIONS EXPRESSED WITH RESPECT TO THE THIRD GENEVA CONVENTION GO FAR BEYOND PREVIOUS RESERVATIONS, AND ARE DIRECTED AGAINST THE OBJECT AND PURPOSE OF THE CONVENTION. OTHER RESERVATIONS ARE SIMILAR TO RESERVATIONS EXPRESSED BY OTHERS PREVIOUSLY AND CONCERNING WHICH THE GOVERNMENT OF THE UNITED STATES HAS PREVIOUSLY DECLARED ITS VIEWS. THE GOVERNMENT OF THE UNITED STATES REJECTS ALL THE EXPRESSED RESERVATIONS.

"THE GOVERNMENT OF THE UNITED STATES NOTES THAT THE VIEWS EXPRESSED IN THIS NOTE SHOULD NOT BE UNDERSTOOD AS IMPLYING ANY WITHDRAWAL FROM THE POLICY HERETOFORE PURSUED BY ITS ARMED FORCES IN ACCORDING THE TREATMENT PROVIDED BY THE CONVENTIONS TO HOSTILE ARMED FORCES. " 44

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